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Lodge Series III Trust
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UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

IN RE:

Osman S Ali

Debtors

-----X
:
: CASE NO.: 18-14588
:
: CHAPTER: 13
:
: HON. JUDGE.:
: John K. Sherwood
:
: HEARING DATE:
: September 27, 2019 at 8:30am
:
:
:
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NOTICE OF OBJECTION TO CONFIRMATION OF MODIFIED PLAN

PLEASE TAKE NOTICE that SN Servicing Corporation as Servicer for U.S. Bank Trust National Association, as Trustee of the Lodge Series III Trust ("Secured Creditor"), the holder of a mortgage on real property of the debtor(s), located at 40 Tanglewood Drive, Summit, NJ 07901, by and through its undersigned attorneys, hereby objects to the confirmation of the Modified Chapter 13 Plan on grounds including:

1. Debtor(s) plan fails to provide for the treatment of arrears of Secured Creditor. The objecting creditor is due arrears of approximately \$548,067.99 which is will be fully set forth in an amended Proof of Claim.

2. Debtor(s) seeks to modify the rights of Secured Creditor, which is the holder of a claim secured only by a security interest in real property that is the principal residence of the debtor(s).
3. Debtor's proposed plan cannot be confirmed as presently constructed, as Secured Creditor will be filing an objection to claim 1-1 and will be requesting permission to file an amended Proof of Claim based on the actual arrears' figures provided by the Secured Creditor. Claim 1-1 was filed by the Debtor and incorrectly provides for an estimation of the claim and arrears owed to Secured Creditor. Secured Creditor respectfully objects to any order confirming the plan with the arrears listed in the modified plan and objects to any confirming order unless the arrears are based off of the amended Proof of Claim to be filed by Secured Creditor.
4. Debtor(s) proposed plan fails to comply with the requirements of the Bankruptcy Code and is not proposed in good faith.
5. Debtor(s) proposed plan does not provide that Secured Creditor retain its lien.
6. Debtor(s) proposed plan is not feasible.
7. Debtor(s) proposed plan fails to comply with other applicable provisions of Title 11.
8. Furthermore, Secured Creditor objects to Debtor's confirmation in that if the Debtor is post-petition delinquent with the Trustee at the time of confirmation and Debtors' case is dismissed, then any excess funds that the Chapter 13 Trustee is holding should be released to the Secured Creditor. Absent the release of any excess funds in the possession of the Trustee, Secured Creditor is substantially harmed as the Debtor would have enjoyed the benefit of the automatic stay to the detriment of Secured Creditor. Absent such language in the Order of Confirmation, confirmation of Debtor's plan must be denied.

In the event any portion of the claim is deemed to be an unsecured claim as defined by the Code, objection is hereby made pursuant to 11 U.S.C § 1325(a)(4) and 1325(b), et seq. unless the plan provides for full payment of the claim.

FRIEDMAN VARTOLO LLP
85 Broad Street Suite 501
New York, New York 10004
Attorneys for Secured Creditor,

By: /s/ Jonathan Schwalb
Jonathan Schwalb, Esq.

Date: September 17, 2019

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Caption in Compliance with D.N.J. LBR 9004-1(b)

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Association, as Trustee of the Lodge Series III
Trust

In Re:

Osman S Ali

Case No.: 18-14588

Chapter: 13

Adv. No.: _____

Hearing Date: September 27, 2019 at 8:30 AM

Hon. Judge: John K. Sherwood

CERTIFICATION OF SERVICE

1. I, Theodore Weber :

☐ represent _____ in the this matter.

☒ am the secretary/paralegal for Jonathan Schwalb, Esq., who represents
SN Servicing Corporation in the this matter.

☐ am the _____ in the this case and am representing myself.

2. On September 17, 2019, I sent a copy of the following pleadings and/or documents
to the parties listed in the chart below.

- Motion for Relief from Automatic Stay

3. I certify under penalty of perjury that the above documents were sent using the mode of service
indicated.

Date: September 17, 2019

/s/ Theodore Weber
Signature

Name and Address of Party Served	Relationship of Party to the Case	Mode of Service
Osman S Ali 40 Tanglewood Drive Summit, NJ 07901-0000	Debtor(s)	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
Bruce J. Duke Bruce J. Duke, LLC Tabernacle Legal Group P.O. Box 1418 648 Tabernacle Road Medford, NJ 08055	Debtor(s) Attorney	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
Marie-Ann Greenberg Chapter 13 Standing Trustee 30 Two Bridges Rd Suite 330 Fairfield, NJ 07004	Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
U.S. Trustee US Dept of Justice Office of the US Trustee One Newark Center Ste 2100 Newark, NJ 07102	U.S. Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)